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Sen.

20th CONGRESS,
1st SESSION.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

WITH DOCUMENTS RELATING TO ALLEGED

AGGRESSIONS ON THE RIGHTS OF CITIZENS OF THE UNITED STATES

BY THE

AUTHORITIES OF NEW BRUNSWICK,

ON THE

TERRITORY IN DISPUTE BETWEEN THE UNITED STATES AND GREAT BRITAIN.

MARCH 4, 1828.
Printed by order of the Senate of the United States.

WASHINGTON:
PRINTED BY DUFF GREEN.
1828.

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The EDITH *and* LORNE PIERCE
COLLECTION *of* CANADIANA

Queen's University at Kingston

To the Senate of the United States.

WASHINGTON, *March* 3, 1828.

In compliance with a resolution of the Senate, of the 3d of January last, requesting the communication of information in my possession, relative to alleged aggression on the rights of citizens of the United States, by persons claiming authority under the government of the Province of New Brunswick, I communicate a report from the Secretary of State, with a copy of that of the Special Agent, mentioned in my message at the commencement of the present session of Congress, as having been sent to visit the spot where the cause of complaint had occurred, to ascertain the state of the facts, and the result of whose inquiries I then promised to communicate to Congress when it should be received.

The Senate are requested to receive this communication as the fulfilment of that engagement; and, in making it, I deem it proper to notice, with just acknowledgment, the liberality with which the Minister of his Britannic Majesty, residing here, and the government of the Province of New Brunswick, have furnished the Agent of the United States with every facility for the attainment of the information which it was the object of his mission to procure.

Considering the exercise of exclusive territorial jurisdiction upon the grounds in controversy, by the government of New Brunswick, in the arrest and imprisonment of John Baker, as incompatible with the mutual understanding existing between the governments of the United States and of Great Britain on this subject, a demand has been addressed to the provincial authorities, through the minister of Great Britain, for the release of that individual from prison, and of indemnity to him for his detention. In doing this, it has not been intended to maintain the regularity of his own proceedings, or of those with whom he was associated, to which they were not authorized by any sovereign authority of this country.

The documents appended to the report of the agent being original papers, belonging to the files of the Department of State, a return of them is requested, when the Senate shall have no further use for them.

JOHN QUINCY ADAMS.

The Secretary of State, to whom has been referred, by the President, the resolution of the Senate, of the third ultimo, requesting him to communicate to the Senate, (so far as may be compatible with the public interest,) any information in his possession, relative to any alleged aggression on the rights of the citizens of the United States, by persons claiming authority under the government of the Province of New Brunswick; has the honor to report herewith a copy of the instructions given to S. B. Barrell, who was deputed to collect information in relation to the subject mentioned in the resolution, and a copy of his report made in conformity with them.

All which is respectfully submitted.

H. CLAY.

DEPARTMENT OF STATE,
Washington, 28*th February*, 1828.

Department of State,
Washington, 19*th November*, 1827.

To S. B. Barrell, Esq.

Sir: Some difficulties having arisen on our North-eastern border, between the Government and people of New-Brunswick and the State of Maine, in regard to certain settlements within the territory mutually claimed by the United States and Great Britain, the President is desirous of possessing information on particular points, which it is thought can be best acquired by sending some person to collect it on the disputed ground. He has accordingly authorized me to engage some person in this service; and as you have consented to accept it, I will now direct your attention to the particular points regarding which information is desired.

From the perusal of the affidavits,* copies of which you will receive herewith, you will perceive that collisions have arisen between the British authorities of New-Brunswick and some of the settlers on the Madawasca and the Aroostook, branches of the St. Johns; that these authorities claim to exercise a jurisdiction over those settlements, although they are within the above disputed territory, and that they have, in fact, exercised it in various ways, and finally by the arrest of an American citizen, by the name of John Baker, who, after being carried from his home some distance to Frederickton, was there tried, convicted, and sentenced to an imprisonment of six months, and the payment of a fine of £150. The President wishes to know when and by whom these settlements on the Madawasca and Aroostook were first made? Whether they were under American or British authority, or of French origin? By whom have they been governed? Have both the American and British governments exercised acts of jurisdiction over them, or only one government, and which, exclusively? Have the settlers generally acquiesced in the exercise of that authority, whether British or American, which has been extended over them? If these settlements were originally American, when did the British authorities first attempt to exercise jurisdiction over them? If they were originally British, when was an objection first made to the exercise of British jurisdiction over them? And when was the right first asserted, if it has been asserted at all, to exercise authority from the State of Massachusetts, or of Maine, over them? From what Government do the settlers deduce their land titles? If both from an American and a British source, from which has the greater number been obtained? Which are the oldest?

You are also requested to inquire particularly into the causes of the arrest and condemnation of John Baker, and his present situation, and

* These affidavits were communicated to Congress at the opening of the present session of Congress, with the President's Message.

to procure official copies of the process and judicial proceedings against him. It being alleged that he is confined in a loathsome and unhealthy jail, you will examine, as far as you can, into his condition; and for that purpose, if you shall deem it necessary, you will proceed to the place of his confinement, and apply to the proper authority for permission to see him, and to ascertain the circumstances of his situation.

If it should turn out, upon investigation, that the above-mentioned settlements were made and have been governed under the authority of Massachusetts and Maine, or either of them, you will please to take the affidavits of some three or four, or more persons, to establish that fact.

Measures being in a course of adoption or operation to settle between the United States and Great Britain the question of right in the disputed territory, it is the wish of the Government of the United States, and it is professed to be that of the Government of Great Britain, that nothing should occur within the disputed territory, to disturb the harmony between the two countries. We have inculcated forbearance and moderation on our side, and we are officially assured, that it has been and will be practised on the other. Should you have intercourse with any of the inhabitants of the disputed territory, you may explain to them this mutual understanding between the two Governments. Whilst measures are in progress to adjust, in a regular way, by the two Governments themselves, the disputed boundary, abstenance from all acts of individual violence, and from all unnecessary collision, is the interest on both sides. Such acts and collisions might retard, but are not likely to advance, the work of amicable settlement between the two nations.

You will proceed, in the first place, and before you go upon the disputed ground, to his excellency Enoch Lincoln, Governor of Maine, and explain to him, fully, the object of this commission. You will request of him such assistance and information in the execution of it, as he may be able and think proper to render. A letter of introduction to Governor Lincoln is herewith delivered to you; and I expect also to procure for you a letter of introduction to Sir Howard Douglas, the Governor of New-Brunswick, from the British Minister, which will be delivered or forwarded to you.

The sum of $300 dollars is now advanced to you, on account of your expenses. On your return a reasonable allowance will be made for your services, and your reasonable expenses will, also, be reimbursed you.

I am, Sir,
&c., &c., &c.,

[Signed] H. CLAY.

REPORT OF THE SPECIAL AGENT.

The undersigned has the honor to report, that in pursuance of the instructions which he received from the Department of State, on the 19th day of November last, he proceeded to Portland, in the State of Maine, and explained to his Excellency Enoch Lincoln, the Governor of that State, the object of his commission, and requested of him such assistance and information in the execution of it, as he was able and might think proper to render. His Excellency expressed his ready compliance with the request of the undersigned, and in reply to a letter addressed to him, the undersigned received the letter from his Excellency, with its accompanying document, herewith presented, and marked A and B.

From Portland, the undersigned proceeded to Fredericton, the capital of New-Brunswick, and the residence of Sir Howard Douglas, the Lieutenant Governor of that province, to whom he transmitted, upon his arrival, a letter of introduction from the Minister of His Britannic Majesty near the United States, a copy of which is herewith presented, marked C.

In consequence of severe bodily indisposition, Sir Howard Douglas was unable to give the undersigned a personal interview; but he was without delay informed, by other members of the government of New-Brunswick, that he was fully accredited as the representative of his government; and that any information, documentary or otherwise, relating to his mission, which he desired, should be promptly furnished.

Soon after his arrival at Fredericton, the undersigned received a letter from the Attorney General of the Province, under date of December 23d, which, together with a copy of his letter in reply, are herewith presented, marked D and E.

On the 23d December, the Attorney General transmitted to the undersigned the letter herewith presented, and marked F, together with sundry documents, which are also herewith presented, and numbered from 1 to 6, inclusive. And on the 25th December, the undersigned received from the Attorney General his letter of that date, marked C, and which, with the accompanying documents, numbered from 7 to 10, inclusive, are also herewith presented.

The undersigned, while at Fredericton, had repeated interviews with Mr. John Baker, whom he found confined in prison at that place. In conformity with his instructions, he applied for permission to see Mr. Baker in prison, in order that he might ascertain the circumstances of his situation, and an opportunity was readily afforded him for that purpose. The apartment of the prison in which Mr. Baker is confined, is of a description that precludes the possibility of rendering its tenants comfortable. But the prison affords none better, and it is appropriated to prisoners in confinement for debt. The undersigned found in the same apartment with Mr. Baker, an individual who was imprisoned at the suit of a creditor. It is but justice to add, that the undersigned was informed by Mr. Baker, that both the High Sheriff

of the county and the keeper of the prison, had done all which, consistently with their duty they could do, to alleviate his situation and to render him as comfortable as circumstances would authorize. The undersigned was informed at Fredericton, that the prison had been recently presented by the Grand Jury of the county as a public nuisance.

It will be found from an examination of the document (No. 2) accompanying the letter from the Attorney General of New-Brunswick to the undersigned, under the date of December 23d, that the offences with which Mr. Baker stands charged, and for which he is to be tried at Fredericton, are for exciting sedition among the French settlers at Madawaska, and endeavoring to obstruct the passage of the British mail upon the river St. John. Mr. Baker is also imprisoned on civil process at the suit of Robert Shear, residing in Lower Canada. He confessed a judgment to Shear at Quebec, for about two hundred and thirty pounds, in the year 1821, and upon this judgment the present suit is founded. On the criminal suit he was required to find bail for his appearance, in the sum of one hundred pounds, which he informed the undersigned he could readily obtain if he could be discharged from the civil process.

The undersigned proceeded from Fredericton to Holton Plantation, a settlement within the acknowledged bounds of the State of Maine, and about twelve miles distant from Woodstock, upon the river St. John. At this place he met with several of the settlers upon the Aroostook river, from whom he received all the information he sought respecting the first settlements upon that river, and the causes of recent disturbances among the settlers.

The earliest settlement upon the Aroostook was made about six years since. The settlers are about forty in number—nine of whom are citizens of the United States, and the residue are British subjects. No one of them has a grant of land, either from the government of the Province of New-Brunswick, or that of the States of Massachusetts or Maine; nor any other title to the land occupied, than that which arises from possession. Lewis Johnson and Charles Johnson, born in the British Province of Nova-Scotia, and William M'Crea, born in Ireland, were the earliest settlers. The disturbances which have taken place, have been confined almost exclusively to what is termed the Upper Settlement upon the Aroostook, about thirty miles from the mouth of the river. The settlers, generally, are composed of individuals who have fled from the British Provinces, involved in debt, and probably with a view of avoiding their creditors, and who settled themselves upon the Aroostook under an impression, as they state, that they were going upon American ground, and doubtless under the expectation that they should find themselves beyond the reach of the laws of Great Britain. Of this description, as the undersigned was informed, was *William Dalton*, the individual whose statement under oath, was transmitted to the Department of State, in November last, and which has been productive of such excitement in all parts of the United States, and more especially in the State of Maine. Dalton was born in the State of Maine; but for some years before he settled upon the Aroostook, he resided in the Province of New

Brunswick, and at different places upon the river St. John, where he was engaged in the business of lumbering. It is said that he failed in business, and left the Province of New Brunswick deeply involved in debt, and took up his residence upon the Aroostook river, where the undersigned has reason to believe he would have remained to the present time if he had found himself without the reach of his British creditors. From information derived from other settlers upon the Aroostook, the undersigned is himself satisfied, and feels it to be his duty to report to the government, that the statement of Mr. Dalton, above alluded to, is substantially, and in every material point, absolutely false. The facts respecting the taking away of Joseph Arnold's cow, as represented by James Armstrong, one of the settlers, as well as by Arnold himself, are briefly these: Arnold had exchanged a cow belonging to him for another in possession of one William McCrea, and which the latter claimed as his property. The cow received from McCrea by Arnold, was subsequently taken from the latter by due process of law, by one John Bradley, who claimed to be the owner of the cow, and who stated that he had sold the cow to McCrea, only *conditionally*, and that as McCrea had not complied with the terms of the contract, he (Bradley) was entitled to his cow again. Arnold applied for relief to the magistrate by whom the writ of replevin had been issued, under which the cow he had received from McCrea had been taken from him; but failing to procure redress, he returned home, and told McCrea that he must either furnish him with legal evidence of his ownership in the cow which he had received from him, or return to him the cow which he had given in exchange for that which Bradley had taken from him. McCrea refused to deliver up the cow, but consented to leave the matter to be settled by referees. Referees were agreed upon by the parties, who decided that if McCrea, within a certain specified period, should not furnish Arnold with proof of his being the owner of the cow which he had exchanged for that of Arnold, that he should restore to Arnold the cow he had received from him. The time prescribed having elapsed, and McCrea having neglected to furnish the proof required, and the cow received from Arnold being yet in McCrea's possession, Arnold took the cow from McCrea, and carried her to his own house; thus exercising a summary act of justice, not unusual, it is believed, in communities like that at the Aroostook. McCrea pretended that he had sold Arnold's cow to one Michael Cummings, who he accompanied to the residence of Mr. Justice Morehouse, and procured in his behalf a writ of replevin for the return of the animal. It was the service of this writ that was successfully resisted by the settlers, (as stated in document No. 9, furnished by the Attorney General of New Brunswick,) and the cow has since remained in the possession of Arnold. According to Dalton's statement, the cow was *taken away from Arnold*, and the public are led to infer, was restored to McCrea. That part of Dalton's statement relative to the loss he sustained in removing from the Aroostook, was represented to the undersigned as exaggerated. Armstrong states that his property was not of the value he represents it, and was disposed of by him for a larger amount than he acknowledges to have received. The concluding

and most material part of his statement, that "for the last seven weeks the inhabitants of Aroostook settlement have been unwilling and afraid to sleep in their own houses, and have retired to the lower part of the settlement, and spent the night on the banks of the river and in the woods, and kept watch night and day as in an Indian war," is stated by others of the settlers to be absolutely false; and the fact is said to be that for *two nights* only, and when a force was expected to arrive at the settlement from Fredericton, sent thither by the government for the purpose of apprehending those who were concerned in the rescue of Arnold's cow from the constable, some of the settlers, to use their own term, "mustered together," and lodged *one* night in a barn, and *one* night in a house belonging to one of them.

The undersigned deems it proper in this place to remark upon the testimony of Jonathan Wilson, whose statement was taken under oath, and transmitted to the government at the same time with that of Dalton's, that his statement is founded entirely upon hearsay testimony, which upon investigation has been ascertained, in every material respect, to be entirely unfounded.

Civil process has been occasionally issued against the settlers upon the Aroostook by British magistrates, for three or four years past, and during the last summer process for trespass and intrusion was issued at the instance of the Attorney General of the Province of New Brunswick, against the settlers generally, who were compelled to go to Fredericton and employ counsel in their defence. These suits are still pending.

It was the intention of the undersigned, in conformity with his instructions, to have gone from Houlton Plantation to the settlement upon the river Aroostook; but he was informed that a journey to that settlement, was, at that time, hazardous and almost impracticable, and it would have necessarily produced in his progress great delay; and as he had seen at Houlton some of the settlers who appeared to be men of intelligence, and had received from them the information which it would have been the principal object of his journey there to procure, he deemed it inexpedient to do so, and proceeded directly to the Madawaska settlement.

This settlement derives its name from the river Madawaska, which empties itself into the river St. John, about thirty-six miles above the Grand Falls, and about one hundred and sixty miles above Fredericton. The first settlers arrived soon after the treaty of 1783, and the first grant, which was "*of fifty one several lots or plantations of land*," was made to Joseph Muzeroll, and fifty-one other French settlers, in the month of October, 1790, by Thomas Carleton, Esquire, the then Lieutenant Governor of the Province of New Brunswick. The land granted lay at intervals between the river Verte and the Madawaska rivers, nine miles distant from each other, and on both sides of the river St. John. The second grant was of five thousand two hundred and fifty-three acres of land, lying below the river Verte, and was made to Joseph Soucer and others, by Lieutenant Governor Carleton, in August 1794. These are the only grants ever made by the British government within the settlement, excepting one to Limo Hibert, of

two hundred and fifty acres of land, opposite to and upon the river Madawaska, in May, 1825.

The laws of the Province of New Brunswick appear to have been always in force since the origin of that settlement. The settlers have acquiesced in the exercise of British authority, both civil and military, among them, and have for many years had an organized militia in the settlement. In 1824 there were but two companies of militia in the settlement. In 1826, three new companies were organized, and the number of enrolled militia now exceeds four hundred. The population of Madawaska amounts to about two thousand, and is almost exclusively French. The French settlement commences a few miles above the Grand Falls, and extends to the Marigoumtegook (or Mariumplicook) creek. There was one French settler within the distance of half a mile from the mouth of that creek at the period when the earliest of the American settlers went to reside there, and at the distance of about six miles further down the river St. John, there now resides Joseph Mishut, a Frenchman, the wife of whom informed the undersigned, that her former husband settled upon the spot where they now reside, and built the house they now occupy, about thirty years ago. The number of American settlers is about twenty-five.

The undersigned proceeded up the river St. John as far as the mouth of the Mariumplicook creek, which is about fifteen miles above the river Madawaska. At the mouth of this creek is the residence of several of the American settlers, and among others is that of Mr. John Baker. The undersigned had free and unreserved communications with all the American settlers upon the river St. John; and from information derived from them, corroborated in all material points from other sources, he is enabled to make the statement which follows, respecting the origin of the American settlement, and the causes of recent disturbances among the settlers.

Nathan Baker, John Harford, and his son John Harford, Jr. were the first American citizens who settled upon the river St. John, within the territory mutually claimed by the United States and Great Britain. John Harford and his son, came in June, 1817, and were followed, a few months afterwards, by Nathan Baker, and were all engaged in the lumbering business. In the summer of 1818, they removed their respective families from the Kennebec river. Baker established himself at the mouth of the Mariumplicook, and Harford about fifteen miles further up the river St. John. The undersigned was informed by John Harford, that Nathan Baker formed a connexion in business with Mr. Samuel Nevers, a merchant of St. John, and under Nevers, who had obtained license from the government of New Brunswick, to cut timber, he engaged in the lumbering business. In the summer of 1819, a subpœna was served upon John Harford, (which is herewith presented, and marked H.) requiring him to appear at Fredericton, to answer to a suit for trespass and intrusion on crown lands, instituted by the Attorney General. Similar process was issued against his son, John Harford, Jr. and also against Nathan Baker. John Harford states that he went to Fredericton in obedience to the summons, and that he, together with Nathan Baker, submit-

ted to the authority of the government of New Brunswick, and were both permitted to return to their settlements.

John Baker, the brother of Nathan Baker, was born in Moscow, in the county of Somerset, in the then district of Maine, in the year 1787. In 1816, he left the United States, and took up his residence in the province of New Brunswick, where he remained about two years, and then left New Brunswick for the province of Lower Canada, where he resided about the same length of time. During the whole of this period he was engaged in the lumbering business. In 1820, he left the British provinces, and went to reside with his brother Nathan, at the Madawaska settlement, and engaged in the lumbering business with him, under Nevers. In 1821, Nathan Baker died, and John Baker continued to carry on the lumbering business under Nevers.

On the 4th of October, 1825, deeds were given by the agents of the States of Massachusetts and Maine, to John Baker and James Bacon, two of the American settlers. Each deed was for one hundred acres of land, of which the grantees were previously in possession; and on the 10th of the same month, Bacon was authorized by the same agents to grant licenses to cut timber within the disputed territory, as appears from the document herewith presented, and marked I. This authority was subsequently revoked.—The undersigned was informed by the settlers, that John Baker had previously made application to the authorities at Fredericton, to become a naturalized British subject, and that he was actually upon his way to Fredericton, for the purpose of becoming naturalized, when he met with the agents of Massachusetts and Maine, with whom he returned to the settlement, and from whom he subsequently received a deed for the property he then had in possession. They state also, that in 1822 he applied for, and received from the government of New Brunswick, the bounty paid to those who raise grain upon lands recently cleared and cultivated: that Mr. Nevers, with the knowledge, consent and concurrence of Mr. Baker, had applied for a grant of the very tract of land for which Baker afterwards received a deed from the States of Massachusetts and Maine, but the grant was refused by the Governor of New Brunswick; and that Baker, and others of the settlers, both before and subsequent to the period when deeds were given by the agents of Massachusetts and Maine, voluntarily applied to the British authorities, for the enforcement of the British laws among the American settlers, both in civil and criminal matters.

The fourth of July last was celebrated by the American settlers at the Madawaska. A flag-staff was raised by them upon the land of John Baker, and the American flag displayed thereon. Many of the French settlers were invited to join in the celebration, several of whom accepted the invitation and were present, and two assisted in the ceremony of raising the American flag. Most of the American settlers participated in the proceeding of the day, and it was represented to the undersigned by others of the American settlers, that Mr. Baker was the principal personage among them, and it was he who proposed the celebration and the raising of the American flag. An address was deliv-

ered, and the party dined together at Mr. Baker's house. A ball in the evening at the house of Mr. Bacon, where were present, by invitation, many of the French settlers of both sexes, concluded the festivities of the day.

On the day following, a paper was drawn up by one of the settlers, which, it said, was dictated by Baker and Bacon. This document, as the undersigned was informed by several of the settlers, was in the form of by-laws; and the purport of it was, that the signers, in consequence of their great distance from their own government, thinking it expedient to form themselves into a society, and have laws of their own, agreed that they would resist any further attempt to enforce the laws of Great Britain among them, and would make laws for themselves. John Baker, James Bacon, and Daniel Savage, were constituted a tribunal for the enforcement of law among them, with power to seize and sell property in satisfaction of debts contracted among the settlers. One of the settlers was appointed to the office of constable. These by-laws were to be in force for one year, unless sooner annulled by the American government. This document, they state, was signed by most of the American settlers, and was offered for signature, and the contents explained to several of the French settlers, one of whom was induced to put his name to it. It was destroyed about a month afterwards.

On the 11th August last, a suit was instituted before Mr. Justice Morehouse by Phineas R. Harford against James Bacon for a debt of about eight dollars due from Bacon to Harford. A writ was issued against Bacon by Mr. Morehouse, and delivered to a constable for service. It was the service of this writ which was successfully resisted by the American settlers, who rescued Bacon from the hands of the officer, and drove the latter, but without either threatening or attempting his personal injury, from the settlement. The debt was afterwards paid by Bacon to Harford. Baker is represented by the settlers to have taken the lead in this affair. The undersigned deems it scarcely necessary to add, that the proceeding of the settlers on the fourth and fifth of July last, and on the 11th of August following, were without the authority or knowledge of the Executive of the State of Maine.

The undersigned recommended to the American settlers at Madawaska, forbearance and moderation in their future proceedings during the pendency of the existing negotiation between their government and that of Great Britain, in relation to the disputed territory; assuring them, that if their conduct should be inoffensive and peaceable, they might rely upon the protection of their government. And he has the satisfaction to believe that reliance may be placed upon the assurances he received from the settlers generally, that they would hereafter abstain from all acts of individual violence, and from all unnecessary collision with the authorities of the neighboring province.

All which is respectfully submitted.

[Signed] S. B. BARRELL.

Washington, February 11th, 1828.

To the Hon. Henry Clay,
Secretary of State.

A.

Letter from Governor Lincoln to S. B. Barrell

STATE OF MAINE.

EXECUTIVE DEPARTMENT,
PORTLAND, *Dec.* 10*th*, 1827.

SIR: I have the honor, in reply to your letter received on the 8th instant, to state that the right to assert jurisdiction over the country watered by the Madawaska and Aroostook, however and whenever it may have been settled, commenced with the period of the first assignment of the boundary of Massachusetts. That right has been relied upon also by Maine, as an independent State, during the whole term of her existence in that capacity, and it seems to be her intention to maintain, as far as the constitution will permit, the claim she has made. That the whole of the territory adjacent to New Brunswick, now in dispute under the provision of the treaty of 1783, has been considered as American property, must have been a matter of notoriety throughout this country and the contiguous province. Indeed the claim made by that province to soil and jurisdiction northward and westwardly of Mars Hill, is viewed as an astonishing novelty. The acts which are below noticed are regarded as having attached to them a constructive possession of the whole territory claimed, and as evidence of authority over any settlements on the same. There was no occasion for more particular acts immediately applying to every spot. It is not believed that British jurisdiction ever invaded the Aroostook until very recently. The instances of the special application of the power of the State governments, to which you advert, are included in the following schedule.

I am, with the most respectful consideration,
Your obedient servant,

ENOCH LINCOLN.

SAMUEL B. BARRELL, Esq.
Fredericton.

P. S. Please to submit the contents to the inspection of Mr. Davies.

B.

Document accompanying the letter from Gov. Lincoln to S. B. Barrell.

ACTS OF MASSACHUSETTS.

Grant to certain soldiers of Mars Hill, "on the eastern line of this Commonwealth," dated March 5th, 1801.

Same, to General William Eaton, "near the eastern boundary line," March 4th, 1806.

Various other subsequent grants.

The resolves under which the above grants were made, were published, and no remonstrance is known to have been offered by the British government. There may have been previous acts of jurisdiction; but there has not been time for an examination by which to ascertain them.

ACT OF THE UNITED STATES.

The census of the Matawaska settlement was taken in 1820, under the authority of the United States, and adopted by them as correct.

ACTS OF MAINE AND MASSACHUSETTS.

In 1822, Benjamin J. Porter of Topsham, was commissioned by Governor King, and instructed to proceed to the Aroostook, and take into his possession any timber that might have been cut by trespassers.

In 1823, James Irish was commissioned by Governor Parris, and directed to proceed to the Aroostook and seize and take all such timber as should be found cut by trespassers on said river, westward of the line between Maine and New Brunswick, which was done.

In 1825, James Irish, Land Agent for Maine, and George W. Coffin, Land Agent for Massachusetts, were directed by their respective States, pursuant to joint resolves passed by both States, to repair to the Matawaska settlements, and there convey such lands as might be applied for. Pursuant to which authority said agents did bargain, sell, and convey to John Baker, and James Bacon, one hundred acres of land each, as will appear by said Baker and Bacon's deeds, dated October 4th, 1825. Said agents posted up notice at the Catholic Church of their authority and intention to sell lands in the Matawaska settlement. Several applications were made to purchase.

The States of Maine and Massachusetts now hold sundry notes of hand for timber, cut on the Aroostook by trespassers, with whom the agents have settled; and some money has been received.

C.

Letter from Mr. Vaughan to Sir Howard Douglas.

WASHINGTON, *20th November*, 1827.

SIR: The Government of the United States having resolved to send Mr. S. B. Barrell to the State of Maine, and to the Province of New Brunswick, for the purpose of obtaining information in regard to the settlements on the Madawaska and the Aroostick—to the causes of recent

disturbances there, and especially in respect to the late arrest, trial, and conviction of John Baker, I beg leave to present to you Mr. Barrell, and to request that he may receive from your Excellency every assistance in prosecuting the inquiries which he is commissioned by his Government to make.

Mr. Barrell is also directed to procure copies of the process and judicial proceedings which have been instituted against Mr. Baker, and I venture to solicit every indulgence in that part of his commission which your Excellency may be able to grant.

I have the honor to be,
With great truth and regard,
Sir,
Your Excellency's
Most obedient
Humble servant,
CHAS. R. VAUGHAN.

His Excellency Sir HOWARD DOUGLAS, Bar't,
His Majesty's Lt. Governor of New Brunswick, &c. &c. &c.
Fredericton.

D.

Letter from the Attorney General to S. B. Barrell.

FREDERICTON, 21*st December*, 1827.

SIR: Having received directions from his Excellency, the Lieutenant Governor, to furnish you with every information within my power, which you may require in regard to the object of your present mission to this Province, I beg you will have the goodness to favor me with the particulars of what you may wish, that I may perform the duty required of me by his Excellency, who has authorized me to be unreserved in any communication which I may make upon this occasion.

I have the honor to be, Sir,
Your most obedient servant,
T. WETMORE,
Attorney General.

SAMUEL B. BARRELL, Esq. &c. &c. &c.

E.

Letter from S. B. Barrell to the Attorney General.

FREDERICTON, 21*st December*, 1827.

SIR: I have the honor to acknowledge the receipt of your letter, requesting me to designate particularly the information which I am

desirous to obtain on subjects connected with my mission to this province; and, in reply, I beg leave to state, that I have been requested to inquire particularly into the causes of the arrest of John Baker, and to procure official copies of the process and judicial proceedings against him. Any information, documentary or otherwise, which, in your opinion, may have a tendency to elucidate and explain the late proceedings of the government of this province in relation to Mr. Baker, and with which you may think proper to furnish me, I will receive and convey to the Government of the United States.

I have the honor to be, Sir,
Your ob't servant,
S. B. BARRELL.

The Hon. THOMAS WETMORE,
Attorney General, &c. &c. &c

F.

Letter to S. B. Barrell, Esq.

FREDERICTON, 23*d December*, 1827.

SIR: In compliance with the request contained in your letter of the 21st instant, (which I had the honor to receive this day,) "to be informed particularly as to the causes of the arrest of John Baker, and to be furnished with copies of the process and judicial proceedings against him," I had prepared a number of papers, with an intention of conveying the same to you, but finding by a Halifax paper, received by to-day's mail, that several of those papers had been communicated to Congress with the President's message of the 4th instant, it has become necessary for me to alter, in some degree, the arrangement I had previously made.

The affidavits referred to in Mr. Vaughan's letter to Mr. Clay, were the foundation of the magistrate's warrant against Baker, Bacon and Studson, the three persons named therein. A copy of that warrant, and the return endorsed thereon, I have the honor to send herewith, (marked No. 1.) Upon my return from the Northern Circuit, which happened after the commencement of the last term of the Supreme Court, I found the defendant Baker was in custody, against whom I exhibited an *ex officio* information, a copy of which accompanies this letter, (marked No. 2.) Upon which information he was charged, and to which he pleaded *not guilty*, and was committed until he found two sureties in £50 each, to appear at the next term to take his trial. I well remember he named in Court one person who was approved of, but that person was not present, and he could not then name another. That cause stands for trial in the usual course, at the next term in February next. Previous to the preparing of the above-mentioned war-

rant, a report had been received from Justice Morehouse, of the commission of a very high-handed riot and rescue, by a party of American citizens in the Madawaska settlement, but no affidavit accompanied the report, and none reached me until the 26th of last month. I now beg leave to refer you to the inclosed Documents, (marked No. 3,) being copies of the original report, and the affidavit of Sanfaçon the constable, and also of the affidavit which was the foundation of the warrant to take James Bacon. Both of the parties in the suit before the magistrate were American citizens, inhabitants of Madawaska.

The want of sufficient information prevented me from proceeding against those rioters, who were, as you will perceive, headed by Baker, at the last term. A suit is also depending against Mr. Baker, for trespass and intrusion. I herewith enclose copies of the proceedings therein, (marked No. 4.) He has not yet entered his appearance. Being prevented by the present indisposition of his Excellency, from having a personal interview with him, I avail myself of the general direction given to me, to be unreserved in my communication to you, to enclose to you copies (marked No. 5.) of certain documents, relating to similar conduct on the part of a late brother of John Baker and other American citizens in 1818. Upon that occasion, suits were instituted by me for trespass and intrusion against Nathan Baker and John Harford and son, which suits, in consequence of their submission, were not further proceeded in.

With great pleasure I also further avail myself of that general direction in sending to you copies (marked No. 6,) of the correspondence relating to the mode of executing the first mentioned warrant against John Baker, and others; as it will thereby manifestly appear how extremely desirous his Excellency has been, that the proceedings against those persons should be conducted in such a way as to avoid any just cause of complaint; in short, to have no more done than was absolutely necessary to preserve the supremacy of the laws, without which there would be an end of liberty and all personal security.

I have the honor to be,

Sir, your most obedient servant,

T. WETMORE,

Attorney Gen., New Brunswick.

SAMUEL B. BARRELL, Esq.

Agent from the U. States of America, &c. &c. &c.

G.

Letter to S. B. Barrell.

KINGSWOOD, NEAR FREDERICTON,

25th December, 1827.

SIR: From the suggestions made at our conference yesterday, I now have the honor of furnishing you with not only the copies of the do-

cuments which I perceive have already been communicated to your government, and, on the 4th instant, submitted to Congress, but of other papers which may have a tendency to give a true complexion to those proceedings, which, partly from the want of correct information, but principally from wilful misrepresentation, have produced excitements that have, in some degree, threatened the disturbance of the peace and harmony which have heretofore prevailed between our neighbors and us. The documents that accompanies this, are—

1st. A copy of my letter to Justice Morehouse, of the 31st July last, with copies of Adjutant Rice's letter to him of the 25th, and his letter to Mr. Secretary Odell, of the 26th of the same month, relating to the conduct of Baker and others; in a file marked No. 7.

2d. Copies of the depositions of Feirio, Silesté, Chamberland, and Markee, made on the 7th, 8th, and 9th of August last, and Justice Morehouse's letter to me of the 11th of that month, with his list of American citizens settled in Madawaska; in a file marked No. 8.

3d. Copies of Justice Morehouse's report to Mr. Secretary Odell, and the affidavit of Stephen McNiel, the constable, dated the 20th of last September, relating to a riot and rescue, and false imprisonment of the constable, by an armed party of thirteen men, principally British subjects, on the river Restook; in a file marked No. 9.

4th. Copies of my letters of the 7th of last September, to the Sheriff of York and Justice Morehouse, relating to the issuing of process against Baker, Bacon, and Studson; and directing the manner of executing the same; marked No. 10.

I have the honor to be,
Sir, your most obedient servant,
T. WETMORE,
Attorney Gen. New Brunswick.

SAMUEL B. BARRELL, Esq.
Agent of the United States, &c. &c.

Subpœna ad Respondendum.

[L. S.] George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. to John Harford, *Greeting:*

We command you that, laying aside all excuses whatsoever, you be and appear in your proper person, before our Justices of our Supreme Court for our Province of New-Brunswick, at Fredericton, on Saturday next after the second Tuesday in July next, to answer to us of and concerning certain matters which our behalf shall be then and there objected against you: And this you are by no means to omit, under the penalty of one hundred pounds, which we will cause to be levied on

your goods and chattels, lands and tenements, to our use, if you neglect to obey this our present command.

Witness: JONATHAN BLISS, Esquire, our Chief Justice of Fredericton, the twentieth day of May, in the first year of our reign.

By the Justices.

[Signed] ODELL.

[Endorsed]

At the suit of the Attorney General, for trespass and intrusion on the Crown Lands.

[Signed]

T. WETMORE, *Attorney Gen'l.*

I.

10*th October*, 1825.

To Mr. JAMES BACON:

SIR: We hereby authorize and direct you to ascertain the amount of timber that may be cut the approaching season upon the St. John river, and upon the several streams and rivers emptying into St. John river above the Grand Falls; and where permits have been granted by us, settle with the holders of said permits, conformably to the conditions thereof; but where any persons have presumed to cut without our permission, or permission obtained from you upon the same terms, (a copy of one of said permits is here enclosed,) you will require such persons to pay fifty cents per ton for timber, and one dollar and twenty-five cents per thousand for boards; or, on refusing to pay as aforesaid, seize the logs and timber, and sell the same at public auction for the benefit of said Commonwealth and State, first giving thirty days public notice of the time and place of sale, by posting the advertisement at one or more public places within your district.

GEO. W. COFFIN,
Land Agent for the Commonwealth of Massachusetts.

JAMES IRISH,
Land Agent for the State of Maine.

No. 1.

Justice Morehouse's warrant against John Baker and two others.

YORK. To the High Sheriff of the County of York, and his Deputies, and to all and singular the Con-
[L. S.] stables of the respective towns and parishes in the same county, and to every one of them,

GREETING:

Forasmuch as it appears to me, George Morehouse, Esquire, one of His Majesty's Justices, assigned to keep the peace in and for the said

county, as well by the oath of Peter Markee and others, as upon my own view, that John Baker, James Bacon, and Charles Studson, all of the parish of Kent, in the county of York, aforesaid, laborers, have been guilty of a high misdemeanor, by endeavoring to persuade and procure divers of the inhabitants of the said parish, His Majesty's loyal subjects, to depart from the allegiance which they owe to His said Majesty, and in violently opposing the execution of the laws of the realm of England and of this province within the said parish, and opposing and resisting the authority of His Majesty's Government there, and conspiring together to subvert His Majesty's authority and government in that part of this province: These are, in His Majesty's name, to command you, and every one of you, forthwith to apprehend the said John Baker, James Bacon, and Charles Studson, and bring them before me, the said Justice, at my dwelling house in the said parish, to answer to the said charge, and further to be dealt with according to law. Hereof fail not at your peril. Given under my hand and seal, at the parish of Kent, aforesaid, the twenty-second day of September, in the year of our Lord one thousand eight hundred and twenty-seven, and in the eighth year of the reign of His Majesty King George the Fourth.

[Signed] GEORGE MOREHOUSE,
Justice of the Peace.

I have taken the body of John Baker, and had him before George Morehouse, Esquire, on Tuesday, the twenty-fifth day of September, who referred me to the Attorney General for examination. The said John Baker I have now in custody, to be dealt with as the law may direct. The other offenders, Bacon and Studson, could not be arrested.

[Signed] E. W. MILLER, *Sheriff.*

No. 2.

Copy of Information against John Baker for a Misdemeanor, 13th October, 1827.

NEW BRUNSWICK } *Michaelmas Term, in the eighth year of*
SUPREME COURT. } *the Reign of King George the Fourth.*
YORK, TO WIT:

Be it remembered, that Thomas Wetmore, Esquire, Attorney-General of our sovereign lord the now King, for His Majesty's province of New Brunswick, who for our said lord the King prosecutes in this behalf, in his own proper person, comes here into the court of our said lord the King, before the King himself, at Fredericton, in the county of York, on Saturday next after the second Tuesday in October, in this

same term, and for our said lord the King gives the court here to understand and be informed, that John Baker, of the parish of Kent, in the county of York, laborer, being a person greatly disaffected to our said lord the now King and his government, within this His Majesty's province of New Brunswick, and contriving, endeavoring, and unlawfully, maliciously, factiously, and seditiously intending to vex, molest, and disturb the peace and common tranquillity of this province, and to bring into hatred and contempt our most serene lord the now King and his government, and for creating false opinions and suspicions in the people and subjects of our said lord the King, of and concerning the government and administration of our said lord the King, and of the royal power and undisputed prerogative of our said lord the King within this province, he the said John Baker, for performing, perfecting, and effecting his said most wicked contrivances and intentions, on the fifteenth day of July, in the eighth year of the reign of our sovereign lord King George the Fourth, at the parish of Kent aforesaid, in the county aforesaid, with force and arms, contemptuously, maliciously, factiously, and seditiously applied to one Peter Markee, being one of the subjects of our said lord the King, residing and inhabiting within the said parish, and then and there endeavored to persuade and seduce the said Peter Markee to depart from and violate the allegiance which he owed to our said lord the King, and did then and there present to the said Peter Markee a written paper, then and there requesting and persuading him the said Peter Markee to subscribe his name thereto; then and there stating to the said Peter Markee that the same paper was drawn up by him the said John Baker and others residing in the Madawaska settlement, in the parish aforesaid, and county aforesaid, with an intent thereby to bind those who subscribed the same paper to defend one another against any act of a British officer, civil or military, and not to allow the British laws to be put in force among them in the said Madawaska settlement aforesaid, (to wit, in the parish aforesaid and county aforesaid,) he the said John Baker then and there declaring, that the British government, meaning the government of our said lord the King, had no right to exercise any authority over the inhabitants of the said settlement, and that the government of the United States of America would protect him, the said John Baker, and others his confederates as aforesaid, in what they were then doing: And that he, the said John Baker, in order further to perform, perfect, and effect his malicious, factious, and seditious intentions and designs aforesaid, afterwards, to wit, on the eighteenth day of the same month of July, in the year aforesaid, at the parish aforesaid, in the county aforesaid, endeavored to oppose and obstruct the post-man then and there having the custody and carriage of His Majesty's mail to Canada, in the prosecution of his journey with the same mail, he the said John Baker then and there declaring, with a loud voice, in presence and hearing of divers of the subjects of our said lord the King, that England had no right to send her mails by that route, (meaning through that part of the said parish of Kent,) and that he, the said John Baker, had received

orders from the said government of the United States to stop the conveyance of the said mails through the same: to the derogation, great damage, diminution, and prejudice of our said lord the King and his prerogative, in very great contempt of our said lord the King and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the King, his crown, and dignity.

Whereupon the said Attorney General of our said lord the King, who for our said lord the King in this behalf prosecutes for our said lord the King, prays the consideration of the court here in the premises, and that due process of law may be awarded against the said John Baker, in this behalf, to make him answer to our said lord the King touching and concerning the premises aforesaid.

[Signed] T. WETMORE,
Att'y pro Dom. Reg. Gen.

No. 3.

Copies of Report of Justice Morehouse, and other documents relating to the riot and rescue of James Bacon.

KENT, 22*d August*, 1827.

SIR: A few days subsequent to my inquiries into the late conduct of American citizens in Madawaska, application was made to me by one Phineas R. Hofford, for a capias to hold James Bacon, one of the ringleaders in their refractory conduct, to bail for debt. I issued the writ, and the constable Joseph Sanfaçon has this day made report to me that he served it on Bacon, but that Bacon was rescued and taken out of his hands by a party of Americans, about twelve in number, all armed with muskets and swords, who ordered him to go about his business, and threatened to take his life if he returned, as well as the person who applied for the writ; thus putting in execution their threats, that they would not allow the laws of England to be put in force amongst them. From this flagrant conduct of them, I shall not attempt to issue any more writs against them, until they are reduced and compelled to adopt a more friendly line of conduct towards us, as I conceive that sending constables among them will be running an unnecessary risk of their lives.

I have the honor to be,
Sir, Your most obedient servant,
[Signed] GEORGE MOREHOUSE.

THOMAS WETMORE, Esq.

New Brunswick, }
York, ss. }

Joseph Sanfaçon, of Madawaska, and one of the constables of the parish of Kent, in the county of York, and province of New Brunswick, maketh oath and saith: That having a capias to hold to bail James Bacon, a American citizen, residing in Madawaska, at the suit of Phineas Reynold Hofford, deponent proceeded for that purpose to the residence of the said James Bacon, in Madawaska, on the morning of the eleventh of August last, between the hours of seven and nine o'clock, A. M. when deponent took the said Bacon prisoner, and demanded bail. That Bacon declared he would not submit to the authority of that writ; but, immediately sent a man to bring John Baker, and others, to rescue him. That the said John Baker, an American citizen, resident there, came armed with a sword, and with him a party of men, American citizens, to wit: John Schoedder, armed with a musket, Walter Powers, Nathaniel Bartlett, Daniel Savage, Isaac Jones, and John Baker, Jr. all armed with clubs, as well as others, American citizens, unknown to this deponent. That John Baker, Nathaniel Bartlett, and Daniel Savage, acted as leaders in the fray, and encouraged the others to assist in rescuing Bacon; that they demanded of deponent to give up his prisoner, and on his refusal so to do, stepped forward and by force took him away; at the same time they formed a ring, putting Bacon in the midst of them, and declaring that if it was a writ from the United States they would submit to its authority, but that they had bound themselves not to submit to the laws of England.

That John Baker addressed himself to this deponent in most violent language, threatening to take his life for attempting to serve that writ. when this deponent finding any further attempts to do his duty useless, desisted, and went away.

[Signed] Joseph Sanfaçon.

Sworn before me, at Kent, this }
9th day of November, 1827. }
[Signed] George Morehouse,
Justice of the Peace.

York, ss.—

Phineas Reynold Hofford, of the town or parish of Kent, in the county of York, maketh oath and saith, that James Bacon, of the town or parish of Kent, in the said county of York, is justly and truly indebted unto this deponent, in the sum of five pounds of lawful money of New Brunswick, over and above all discounts; and that he, the said James Bacon, is about to abscond or depart from this county, as he the deponent is informed, and verily believes; and that he, the deponent, will be in danger of losing his said debt, unless the said debtor be held

to bail for the said sum, so due as aforesaid, in an action which the deponent is now about to commence for the recovery of the same.

[Signed] PHINEAS R. HOFFORD.

Sworn before me, this 9th day of August, 1827.

[Signed] GEORGE MOREHOUSE,
Justice of the Peace for the County of York.

YORK, ss.
L.S. George Morehouse, Esq. one of His Majesty's Justices of the Peace, in and for the county of York:

To either of the constables of the town or parish of Kent, in the said county, greeting: You are hereby commanded to take James Bacon, if he shall be found in your parish, and him safely keep, so that you may have his body before me, at my office, in Kent, in the said county, on —— day, the —— day of August, to answer Phineas Reynold Hofford, in an action for debt in the sum of five pounds, and have you then there this precept.

Given under my hand and seal, at Kent, this 9th day of August, in the year of our Lord one thousand eight hundred and twenty-seven.

[Signed] GEORGE MOREHOUSE,
Justice of the Peace.

Take bail for £5 .. 0 .. 0.

No. 4.

Information and process against John Baker, for trespass and intrusion.

In the SUPREME COURT. *Exchequer side.*

YORK, TO WIT:

Be it remembered, that Thomas Wetmore, Esquire, Attorney General of our Sovereign Lord the King for this His Majesty's Province of New Brunswick, who prosecutes for our said Lord the King, comes in his own proper person into the Court of our said Lord the King, before the Justices of our said Lord the King at Fredericton, on the seventeenth day of September, in the eighth year of the reign of our Sovereign Lord the now King, and for our said Lord the King gives the Court here to understand, and be informed: That whereas, a certain tract or parcel of land, situate in the parish of Kent, in the county of York, in the said Province, and lying on both sides of the river St. John, between the mouth of the Madawaska river and the river St. Francis, and containing in the whole fifty thousand acres, in the hands and possession of our said Lord the King, on

the first day of February, in the first year of his reign, and before and continually after, was and of right ought to be, and yet ought to be, in the right of his Imperial Crown of the United Kingdom of Great Britain and Ireland, and as part of the Dominions of our said Lord the King in this Province, and for so long a time as there is no remembrance of any man to the contrary, has been in the possession of the said Lord the King and his predecessors, the Kings and Queens of Great Britain and Ireland, and a part of the dominions of the said Crown. Nevertheless one John Baker, of the parish aforesaid, in the county aforesaid, farmer, the laws of the said Lord the King in no wise regarding, but intending the disherison of the said Lord the King in the premises, on the first day of February, in the second year of the reign of our said present Sovereign Lord the King, and on divers days and times before and since, with force and arms, and without any lawful authority, in and upon the possession of the said Lord the King of a part of his said lands, to wit: One hundred acres thereof lying on the westerly side of the Land Turtle, or Mereumpticook river, a branch of the said river Saint John, at the parish aforesaid, in the county aforesaid, intruded and entered and erected and built thereon a certain house, and other edifices, and cut and felled divers, to wit, five hundred timber and other trees thereon standing and growing, of the value together of one hundred pounds, and took and carried away the timber and wood arising from the said trees, and of his own will disposed thereof, and the issues and profits of the same land coming, received, and had, and as yet doth receive and have, to his own use, and still holds and keeps possession of the same lands. And the said trespass aforesaid hitherto and yet continuing to the great annoyance of our said Lord the King, in contempt of our said Lord the King, and contrary to his laws and against the peace of our said Lord the King: Whereupon the said Attorney General of our said Lord the King, for the said Lord the King, prays the advice of the Court here in the premises. And that the aforesaid John Baker come here to answer the said Lord the King in the premises.

[Signed]

T. WETMORE, *Attorney Gen'l.*

George the Fourth, by the Grace of God, of the United Kingdom
[L. S.] of Great Britain and Ireland, King, Defender of the Faith, &c. to John Baker, *Greeting:*

We command you, firmly enjoining that laying aside all excuses whatsoever, you be in your own proper person before the Justices of our Supreme Court of Judicature for our Province of New Brunswick, at Fredericton, on the second Tuesday in October next, to answer to us of and concerning certain matters which on our behalf shall be then and there objected against you. And this you are by no means to omit, under the penalty of one hundred pounds, which we

will cause to be levied on your goods and chattels, lands and tenements, to our use, if you neglect to obey this our present command.

Witness: JOHN SAUNDERS, Esquire, our Chief Justice at Fredericton, the seventeenth day of September, in the eighth year of our reign.

By the Justices.

[Signed] PUTNAM.

[Endorsed]

At the suit of the Attorney General for trespass and intrusion on the Crown Lands.

T. WETMORE, *Attorney Gen'l.*

17*th September*, 1827.

No. 5.

Correspondence, &c. relating to the intrusions of Nathan Baker and others, in 1818.

St. John, 29*th December*, 1818.

Sir: Some short time since, the enclosed letter was forwarded to me by the honorable Judge Bliss, from a Mr. Du Perreé, at the Grand Falls, stating that some Americans had recently set themselves down at the Madawaska settlement, on the plea that the ground belonged to the United States.

A copy of Mr. Du Perreé's letter has been shown to our Minister at Washington, by Col. Barclay, and I now send you a copy of Mr. Bagot's communication on the subject, and from a consideration of which I have to request that you will take immediate steps to get more particular information from Mr. Du Perreé, and further act in the affair as you may judge legal and expedient.

I have to request to be acquainted, from time to time, as to the exact state of this transaction.

I have the honor to be,
Sir, your humble servant,
[Signed] G. S. SMYTH.

The Hon. Attorney General.

Washington, *December* 8*th*, 1818.

Sir: I received on the 4th your letter of the 2d instant, and have since had an opportunity of speaking upon the subject of it with Mr. Adams.

From my conversation with him, I have every reason to be assured that the American government will readily take whatever measure

may be necessary to prevent the occupation of American citizens of any part of the territory, which, until otherwise decided by the Commissioners of Boundary, is considered to be ours; but Mr. Adams appears to think that the persons referred to in Mr. Du Perreé's letter to Judge Bliss, are, in reality, what are called squatters, and must be dealt with accordingly.

In this view of the subject, it appears to me that the Governor of New Brunswick need not scruple to displace them, by whatever is the ordinary process resorted to against persons of this description; and if their names can be ascertained and communicated to me, this government will not delay to request the Governor of Massachusetts to take such steps in respect to them as may depend upon him.

I have the honor to be,
Sir, your most obedient servant,
[Signed] CHARLES BAGOT.

Colonel BARCLAY.

[TRANSLATION.]

MADAWASKA, *5th September*, 1818.

Hon. J. MURRAY BLISS:

SIR: After paying you my best respects, I shall be very glad if our jurisdiction be enforced as usual in Madawaska, because there are several American families arrived amongst us from the Kennebeck river, who would induce many of the inhabitants of this district to believe that the jurisdiction of the United States is in force, and that of New Brunswick not, which I do not believe; and I hope that your honor will be pleased to have me in your consideration relating to this matter.

I have the honor to be,
Sir, your obedient servant,
[Signed] P. DU PERREÉ.

FREDERICTON, *8th January*, 1819.

SIR: Your letter to the honorable Judge Bliss, of the 5th of last September, stating "that some Americans had recently set themselves down at the Madawaska settlement, on the plea that the ground belonged to the United States," having been sent by him to his Excellency the Lieutenant Governor, and a copy of it shown to his Majesty's Envoy to the United States, and a conference had thereon with the Secretary of State of that government, I have received the Lieutenant Governor's commands to get more particular information from you on the subject, and to take such steps in the affair as may be legal and expedient. I

must, therefore, request that you will, as soon as possible, inform me of the names of any American citizens who have within the last eight months taken up their residence in the Madawaska settlement, or anywhere in the neighborhood of it, to the westward of the line of experiment lately run across the river St. John, and the particular places where they may have set themselves down, and the time when, and whether on ungranted lands or lands bought from individuals, and from whom; and, also, whether any surveys have been lately made by any American surveyors on the Madawaska or St. John rivers, to the westward of the said line. In short, I must beg of you to give me the fullest and most particular information of any attempt that has been, since the running of that line, made by any Americans to encroach upon that part of his Majesty's territory; for, until it is otherwise decided by the Commissioners of Boundary, the whole of the river St. John, and of course the Madawaska river, must be considered as belonging to his Majesty.

I am, Sir, your most obedient servant,
[Signed] THOMAS WETMORE,
Attorney General.

To Capt. Peter Du Perree,
Madawaska.

Madawaska, 20*th February*, 1819.

Honored Sir: In answer to your letter of the 8th January, I have sent you a particular account of the Americans who have taken up their residence in the Madawaska settlement. Captain Nathan Baker came to Madawaska twelve months ago. At that time he wished to introduce the laws of the States; brought a magistrate along with him from the States to form a corporation, and desired my concurrence. I told him I would have nothing to do with such matters before the line was settled between the British government and the States. I likewise told the rest of the French settlers to have nothing to do with him about such matters, which they did. In August last, he brought his wife and family from Kennebeck river, and took up his residence in the upper settlement of Madawaska, and built a house. In the beginning of October he began to lumber, and with five men, took a range for wood through ten lots, on all which there are settlers, and some of them established fifteen years ago, and have made considerable improvements. Some of the inhabitants forbad him to cut wood upon their lots; he said it did not belong to them, but to the States. He has already about ten or twelve hundred tons of timber, a great part of which I saw, on the 19th February, upon the banks of the river St. John, on the north side. He appears to me to be a man who takes much upon him. In August last, Captain Flecher came from the States, and entered into partnership with him in the lumber trade.

John Herford came from the States with his wife and family at the same time, and took up his residence in the upper settlement of Madawaska, built a house, and is carrying on improvements on his land. Likewise his son George Herford, with his wife and family, settled beside his father, and built a house, and improving his land. About three months ago they came down to make shingles, at the mouth of the Madawaska river, upon the land belonging to the Indians, but will return to their settlements when the river opens, to plant. In the last of September, Esq. Johnson's son, one of the American surveyors, made a survey upon the north side of the river St. John, beginning at the mouth of the Madawaska river, up to the river Saint Francis ; he measured the French's settlement at the same time. If you want any more information respecting these or other matters, I shall be happy to give you all the information in my power.

I am, honored Sir,

Your most obedient servant,

P. DU PERREÉ,

Captain of the Militia.

THOMAS WETMORE, Esq.

Attorney General, Fredericton.

No. 6.

Letters to Sheriff Miller ; report to the Lieutenant Governor ; and His Excellency's approval of the course pursued by the Attorney General.

KINGSWOOD, 13*th September*, 1827.

SIR: Upon my arrival here last night, I was much surprised and a little alarmed at the intelligence I received, of the manner in which the sheriff had commenced his journey up the river, to perform the service required of him in regard to the execution of process on the Madawaska intruders; and I this morning early despatched my son Robert, in pursuit of him with a letter, of which I beg to trouble your Excellency with a copy. That letter reached him at the distance of about eight miles from town. The effect it produced, will appear by the certificate thereon endorsed.

A few moments' consideration led to the conclusion that my duty was not discharged, until I had used my utmost exertion to put a stop to the execution of a project, which I was very apprehensive might produce serious mischief, and greatly embarrass your Excellency, in any attempt at explanation, why, instead of only two or three attendants, the sheriff should have proceeded with a party of sixteen men, armed and equipped as a military body. I therefore wrote another letter to

the sheriff, which overtook him at the distance of about twenty-two miles from town. To a copy of that letter and the certificate thereunder written, I crave leave also to refer your Excellency.

The sheriff intends, as my son informs me, to proceed in the morning, on horseback, in the way pointed out in my letter of the 7th instant.

The steps which I have taken, although they may be disapproved of by some, will, I hope, be considered by your Excellency, to be such as could not have been omitted, under existing circumstances, without a neglect of my duty.

I have the honor to be, with great respect,
Sir, your Excellency's most obedient,
And very humble servant,
[Signed] T. WETMORE,
Attorney General.

His Excellency, Sir HOWARD DOUGLAS, *Baronet,*
Lieutenant Governor, and Commander in Chief, &c. &c.

No. 7.

Copies of letters relating to the conduct of John Baker and others, and directing an inquiry into the same.

KINGSWOOD, 13*th September*, 1827.

SIR: Being informed, upon my arrival last night from the city, that you had, contrary to the direction contained in my letter of the 7th, proceeded on your journey up the river with a posse from Fredericton, to execute the process which Mr. Justice Morehouse is requested to issue against Baker and two others, I have considered it a matter of sufficient importance to despatch my son express after you, with this my protest against that measure, or any other deviation from his Excellency's commands, as expressed in that letter, which has received his entire approbation. Two attendants will be amply sufficient, and better than three; and those not armed in any unusual way. The process is to be executed in the usual and ordinary manner, and it is committed to you to induce a ready submission to the laws, when carried into execution by an officer of your rank: and if you make any parade of force, until after you meet with opposition and resistance, you will incur his Excellency's great displeasure.

I have the honor to be, Sir,
Your obedient servant,
T. WETMORE,
Attorney General.

Mr. Sheriff MILLER.

[*Endorsed on the preceding.*]

13*th September*, 1827.

I do certify that I did; this day, deliver to Mr. Sheriff Miller, a letter, of which this is a copy; and at the same time intimated, that his proceeding upon his expedition with so many attendants, and in such a manner, would be acting in direct violation of his Excellency's commands; and that it must be upon his own responsibility.

His reply to me was, that he had taken the advice of the Council; and that, at all events, he would not now return.

T. R. WETMORE,
Clerk to the Attorney General.

Kingswood, 13*th September*, 1827.

Sir: Finding from my son's report to me, that you are determined to act in opposition to the wishes and commands of his Excellency, the Lieutenant Governor, in the business which has been the subject of my letter to you of this morning, it becomes my indispensable duty to require that you return to me by the bearer, the despatch which I intrusted to your care, addressed to Mr. Justice George Morehouse, in my letter to you of the 7th instant; as all further proceedings in the affair must be suspended, until his Excellency's pleasure shall be known in regard to the extraordinary course you are pursuing, of which I shall make an immediate report.

If you withhold that letter after this requisition, you will reduce me to the necessity of sending an express to Mr. Morehouse, to countermand the directions therein contained.

I have the honor to be, Sir,
Your obedient servant,
T. WETMORE,
Attorney General.

Edward Winslow Miller, Esq.,
High Sheriff of York.

P. S.—As it is his Excellency's wish that no time should be lost in performing the service in which you are now engaged, you are at liberty to proceed, upon condition *only* that you take with you but two attendants; and it appears to me that were you to go on horseback you would execute the duty in one-fourth of the time.

T. W.

[*Endorsed upon the preceding letter.*]

Mr. Sheriff Miller, upon seeing me, having concluded immediately to return, and having anticipated the nature of my errand, I deemed it unnecessary to deliver him the despatch of which the preceding is a

copy; but read to him such parts of the same as were necessary for his information, particularly the postscript; by which he was at liberty to retain the despatch to Mr. Justice Morehouse, upon the condition therein stated.

T. R. WETMORE,
Clerk to the Attorney General.

SAINT JOHN, *September 18th*, 1827.

SIR: I am commanded by his Excellency, the Lieutenant Governor, to acknowledge the receipt of your letter of the 13th instant, and its several enclosures, reporting to his Excellency the manner in which the Sheriff of York county had commenced his journey up the river to perform the service required of him, in regard to the execution of process on the Madawaska intruders.

His Excellency desires me to convey to you his Excellency's entire sanction and approbation of the course you have pursued, and of the directions which you gave the Sheriff, on this occasion, who would have incurred his Excellency's most severe displeasure had he persisted in the manner of proceeding, in which it appears he had commenced his journey.

I have the honor to be, Sir,
Your obedient, humble servant,
C. DOUGLAS,
Private Secretary.

The ATTORNEY GENERAL.

FREDERICTON, 31*st July*, 1827.

SIR: Your letter of the 26th to the Provincial Secretary, inclosing a letter from Mr. Francis Rice to you, dated 25th instant, having been referred to me by his Excellency the Lieutenant Governor, with directions to procure the necessary affidavits of the facts stated by Mr. Rice, I must request you will be pleased, with the least possible delay, to proceed to the place, and possess yourself of the best proofs of the conduct of Baker and others, which you will forward to me under cover to the Secretary. I send herewith a copy of Mr. Rice's letter for your guidance.

You will be particularly careful to ascertain, if possible, whether Baker is acting under pretended authority or not; and procure, if you can, a copy of the paper which has been offered for signature.

Should Baker or any other person use any violence or force to obstruct the post, you will of course consider it your duty, upon receiving the complaint under oath, to cause the offender to be arrested and committed to gaol, unless he gives satisfactory security for his appearance at the next Supreme Court to answer to the charge.

I must beg you will furnish me with a sketch or general description of the lands which Baker or any other American citizen is in possession of, in the neighborhood of Madawaska, and the length of time they have possessed the same.

I have the honor to be, Sir,
Your most obedient servant,
T. WETMORE,
Attorney General.

GEORGE MOREHOUSE, Esq.

No. 8.

Copies of Justice Morehouse's report, with affidavits of Peter Markee and others, and a list of American citizens settled in Madawaska.

KENT, 26*th July*, 1827.

SIR: I have the honor to enclose a letter addressed to me by Mr. Francis Rice, Adjutant of the Madawaska militia, by which you will see the American subjects residing in that settlement are disposed to acts of aggression, which his Excellency may think proper to take measures to put a stop to. I therefore request that you will lay this before his Excellency for his consideration.

I have the honor to be, Sir,
Your most obedient humble servant,
GEORGE MOREHOUSE.

W. F. ODELL, Esq. &c. &c. &c.

GRAND RIVER, MADAWASKA, 25*th July*, 1827.

SIR: Having commenced, Saturday, 21st inst. the militia company training, and finding some disorder amongst the people, occasioned by Baker and others in the upper settlement, I find it my duty to let you know as much as I am informed concerning them. In the first place, they have a written document, wherein they say they have authority from the States, to have it signed by the French people of Madawaska. This they have proposed to many of the inhabitants, and I am sorry to say, they have persuaded some of them to sign it—the name of one of the signers is *Abraham Chamberland. Baker is the head man.* All this can be proven by oath. In the second place, Baker met the postman, and asked him what he had got with him; he told him it was the Province mail. Then Baker told the post, that he had orders from the States to stop it. The man told him, that if he was a better man than him, to try and take it. Baker answered

and said, he would let it pass for this time; but, at a future period, he would put his orders in execution.

Sir, if this Baker and others is not stopped immediately, they will corrupt a great part of our militia. You have heard of the Liberty Pole they have raised in this settlement. I need not give you any information as to that: any thing strange that may happen in this place, I will trouble you with, the shortest notice.

I am, Sir, with greatest respect,
Your humble and obedient servant,
FRANCIS RICE,
Adjutant.

New Brunswick, *York, ss.*

William Feirio, of Madawaska, in the Parish of Kent, County of York, and Province of New Brunswick, maketh oath and saith, that by an invitation from John Baker, an American citizen, who resides in Madawaska, he, the deponent, went to the said Baker, on the fourth day of July last, one thousand eight hundred and twenty-seven; that Baker and the other American citizens then raised a flag staff, and placed the American flag thereon; that the said Baker then declared that place to be American territory, which he repeated to this deponent and other French settlers then there, and that they must, for the future, look upon themselves as subjects of the United States, who would protect them, and him in what he was doing.

his
WILLIAM ⋈ FEIRIO.
mark

Sworn before me, at Madawaska, in Kent, this 8th day of August, 1827.

GEORGE MOREHOUSE,
Justice of the Peace.

New Brunswick, *York, ss.*

Peter Sileste, of the Madawaska settlement, in the Parish of Kent, and County of York, in the Province of New Brunswick, maketh oath and saith: That on the 18th day of July, one thousand eight hundred and twenty-seven, as this deponent was proceeding up the river Saint John, in charge of the mail for Canada, one John Baker, an American citizen, who resides in Madawaska, met him near the Chapel, when the said Baker demanded of this deponent what he had in his canoe; on being told by this deponent it was the mail for Canada, the said Baker then declared, that England had no right to send her mails that route, and that he (Baker) had received orders from the Government of the United States to stop them; but on the deponent's

saying that he should not have that mail without he was a better man than deponent, he (Baker) said it might pass for that time, but for the future it should not, as he was determined to put the orders of his Government into execution.

his
PETER ⋉ SILESTE.
mark

Sworn before me, at Madawaska, in the Parish of Kent, this 9th day of August, 1827.

GEORGE MOREHOUSE,
Magistrate for the County of York.

New Brunswick, *York, ss.*

Abraham Chamberland, of the Madawaska settlement, in the Parish of Kent, and County of York, in the Province of New Brunswick, maketh oath and saith: That on or about the fifteenth day of July, one thousand eight hundred and twenty-seven, one Charles Studson, an American citizen, residing in Madawaska, presented a written paper to deponent, and asked him to sign it; that deponent asked him the contents of the said paper, when the said Studson informed him that, by that paper, they bound themselves to oppose the execution of the laws of England amongst them in Madawaska, and that his Government, the United States, would protect them in what they were doing.

his
ABRAHAM ⋉ CHAMBERLAND.
mark

Sworn before me, at Madawaska, in the Parish of Kent, and County of York, this 7th day of August, 1827.

GEORGE MOREHOUSE,
Justice of the Peace for the County of York.

New Brunswick, *York, ss.*

Peter Markee, of the Madawaska settlement, in the Parish of Kent, and County of York, in the Province of New Brunswick, maketh oath and saith: That on or about the fifteenth day of July last, one thousand eight hundred and twenty-seven, three persons, John Baker, James Bacon and Charles Studson, American citizens, residing in the Madawaska settlement, came to this deponent, and presented a paper to him, to sign his name thereto. That on deponent asking them the contents of it, they declared that it was a document drawn up by them and others residing in Madawaska, the intention of which was, that they

bound themselves to defend each other against any act of a British officer, civil or military; that they did not intend to allow the British laws to be put in force amongst them, in the Madawaska settlement; that the British government had no right to exercise any authority over them, as that was American territory, and the government of the United States would protect them in what they were doing.

his
PETER ⋈ MARKEE.
mark

Sworn before me, at Kent, in the County of York, this 7th day of August, 1827.

GEORGE MOREHOUSE,
Justice of the Peace for the County of York.

KENT, *August 11th*, 1827.

THOMAS WETMORE, ESQ.

SIR: In compliance with your request, contained in your letter of the 31st of July, I proceeded without delay to Madawaska, to inquire into the conduct of Baker and other American citizens in that settlement, on which, for the information of government, I beg leave to make the following report:

After getting the affidavits of some of the French settlers, I went up the river to where there is a settlement forming by Americans, and endeavored to get in my possession the paper which had been offered for signatures, but found that quite out of the question; they pointedly refused to let me see it. As soon as it was known that I was in their settlement, Baker and others hoisted the American flag as a token of defiance; I ordered him to pull it down, but instead of complying, Baker, as their organ, made the following declaration:

That they had hoisted that flag, and they had mutually entered into a written agreement to keep it there, and that nothing but a force superior to their own should take it down. That they considered, and had a right to consider themselves on the territory of the United States, and that they had bound themselves to resist by force the execution of the laws of Great Britain amongst them; and that they had a right to expect and would receive the protection and support of their government in what they were doing.

It seems the flag in question was first raised on the 4th of July last, when Baker, a few days previous, personally invited the most of the French settlers to join them in that act; but I am happy to have it in my power to say that but few complied.

I find they are using every argument to induce the French people to declare themselves American subjects, and I fear if those fellows are not well looked after, they will eventually succeed in their designs, for I find their insinuations have already had the effect to throw some of

the people in doubt whether they are to consider themselves British or American subjects. And I trust that His Majesty's government will speedily take such measures as will convince the French settlers of Madawaska, that the Americans have no right to act as they do, and crush this banditti, for I feel convinced, that unless this transaction is promptly followed by some other to suppress them, that the French, it is more than probable, will shortly consider us the intruders.

I herewith send the affidavits of the postman whom Baker was said to have stopped, which will show what passed between them; also a list of American citizens settled on the river St. John above the French settlements.

I have the honor to be, Sir,
Your most obedient,
GEORGE MOREHOUSE.

List of American Citizens in possession of lands in Madawaska, quantity, &c.

James Bacon, on the lower or south-east side of the Mereumpticook creek, fronting the river St. John, 100 acres, deeded to him in 1825, by James Irish and George W. Coffin ; settled nine years.

John Baker, on the upper or south-west side of the creek, 100 acres, deeded to him by Coffin and Irish ; settled nine years.

Charles Studson, joining Bacon, on the lower side, 100 acres ; settled three years.

Mathias Acorn, joining Baker, on the north-west, settled one year ; in possession of 100 acres.

John Scheodder joins Acorn on the west, in possession of 100 acres ; settled two years.

Stephen Grover, joining Scheodder, on the west side, one year settled, one hundred acres.

John Hofford, about two miles above Grover's, settled ten years.

Oakes, about three miles above the Mereumpticook, on the south-west side of the river St. John, in possession of 100 acres; three years settled.

John Hofford, about five miles above Fish river, 200 acres ; settled ten years.

Fish river empties into the St. John, on the south-west side, about five miles above the Mereumpticook.

John Hofford, junior, joining the last mentioned, on the west side, 100 acres ; settled one year.

Samuel Hofford joins John Hofford, junior, on the west; settled one year ; 100 acres.

Phineas Reynold Hofford joins Samuel Hofford, on the west side ; settled nine years.

Isaac Jones, in possession of an island about eight miles above Fish river.

Jacob Goldthrite, in possession of an island lying near that in possession of Isaac Jones.

David Esansey, in possession of a lot about five miles above Fish river; two years settled.

Nathaniel Bartlette and David Savage, jointly, in possession of 500 acres, at Fish river, the lands on which the mills are built, and that adjacent.

P. S. The Mereumpticook is a creek or small river; empties into the river St. John, on the east side, about fifteen miles above the Madawaska river. GEORGE MOREHOUSE.

No. 9.

Copy of Justice Morehouse's report to the Attorney General, and of the affidavit of McNiel, the constable, relating to a riot and rescue, &c. on the river Restook.

KENT, *20th September*, 1827.

SIR: Stephen McNiel, one of the constables of Kent, came before me this day, and made a deposition respecting the treatment he has met with, from the Restook settlers, in the execution of his duty as a constable. He had a writ against the property of one Joseph Arnold, a Restook settler, which he served, and was proceeding down the river with the property levied on, and was overtaken by a party of the settlers, armed with fire-arms, when they took him prisoner, and rescued the cow; (the property by him taken;) they kept him a prisoner during the night, and threatened him, that if Johnstone, their magistrate, (nominated by themselves,) would give a mittimus, they would carry him a prisoner to some of the jails in the State of Maine. They despatched a messenger to him, (Johnstone,) and it seems he would not comply with their demand. They then released McNiel and sent him off, declaring that they were American citizens, and they would not allow the laws of Great Britain to be put in force against them or their property; and that they would take the life of any sheriff or constable that should attempt to come amongst them again. In consequence of this outrageous and high-handed conduct of theirs, I shall desist from sending any constable amongst them, until I hear from you on the subject. Their names are given in McNiel's deposition. The most of them are British subjects, removed from different parts of this province to the Restook. Dalton, Stewart and Morton, are known to be American citizens.

I beg you will be pleased to lay this before his Excellency, the Lieutenant Governor, for his consideration.

I have the honor to be,
Sir, your most obedient servant,
[Signed] GEORGE MOREHOUSE

WILLIAM F. ODELL, Esq.

York, *to wit:*

Stephen McNiel, one of the constables of the parish of Kent, in the said county of York, maketh oath and saith. That on Monday, the 17th day of this present month of September, 1827, he proceeded up the Restook river, to serve a writ on Joseph Arnold, and also to seize property of the said Arnold. That having taken, by virtue of the said authority, a cow from him, proceeded down the river to William McCrea's, where he put up for the night. That between the hours of seven and nine o'clock in the evening, thirteen men, (settlers on the Restook,) armed with fusees, followed, and there overtook deponent, when they demanded of him to restore the cow, and give himself up as a prisoner, which he was compelled to do. That they then sent off two of their party to collect more of the said settlers to their assistance, and also to bring to them one Lewis Johnstone, whom they said to deponent that they had nominated a magistrate, and that if he would give a mittimus to carry him to jail, in the State of Maine, they would carry him there; but Johnstone refusing to do so, they then released deponent, and desired him to go home, and at his peril never to come there as a constable again, nor any other person under the authority of the British laws, as they considered themselves American subjects, and were determined to not submit to the laws of England, but would resist them by force. That the party who came armed against him are as follows: Joseph Arnold, William Dalton, Seth Stewart, Peter Bull, Joshua Christie, Thomas Beckwith, John Beckwith, Ferdinand Armstrong, Thomas Feeby, William Brown, James Rau, ——— Morton, and John Rafford.

STEPHEN McNIEL.

Sworn before me, at Kent, this 20th day of September, 1827.

GEORGE MOREHOUSE,
Justice of the Peace.

No. 10.

Copies of letters from the Attorney General to Sheriff Miller and Justice Morehouse, relating to the issuing and service of process on Baker, Bacon, and Studson.

Saint John, *7th September*, 1827.

Sir: His Excellency having had under consideration your report to me of the 11th ultimo, and the affidavits accompanying the same, has deemed it expedient to direct that legal steps should be immediately taken against Baker and others, for the high misdemeanor committed by them, and that the High Sheriff should in person execute the process.

I send to you herewith, copies of the affidavits, and a warrant, which the Solicitor General and myself are of opinion the report and affidavits will justify you in issuing.

When the defendants are arrested, you will please to offer to take bail for their appearance at the next Supreme Court, to answer to the charge, and in the mean time to keep the peace and to be of good behaviour. I think they should each be bound in £100, with two sureties, each in £50. Perhaps your accompanying the Sheriff up may save time and trouble to both of you.

It will be advisable for you to renew the process which the constable was prevented from executing, and the Sheriff will see it duly executed: And perhaps you may find it expedient to issue other warrants against those who oppose the constable, and for other breaches of the peace, of which you must be the judge.

I have the honor to be, Sir,
Your obedient servant,
T. WETMORE,
Attorney General.

GEORGE MOREHOUSE, Esq.

ST. JOHN, *7th September*, 1827.

SIR: Having received the commands of his Excellency the Lieutenant Governor, to carry into effect a certain course of proceedings against John Baker and other American citizens, for violently opposing and resisting His Majesty's authority and the execution of the laws in the upper part of the parish of Kent, and attempting to seduce His Majesty's subjects there to depart from their allegiance to His Majesty, I have written to Mr. Justice George Morehouse to issue his warrant for the arrest of the offenders, which warrant his Excellency the Lieutenant Governor now deems it expedient should be delivered to you, to be executed in person, on account of the resistance which it is supposed may be made.

In the performance of this service it will be advisable for you, while acting with firmness, to be careful to use no more force than will be necessary for the execution of the warrant. Two or three attendants will be quite sufficient to take with you from Fredericton, as you can obtain as much assistance as will be required in the neighborhood of Madawaska; and it is very desirable that the service should be performed quietly, and with the least possible parade.

The enclosed despatch I will thank you to deliver to Justice Morehouse, as soon as you can possibly make it convenient.

I have the honor to be, Sir,
Your most obedient servant,
T. WETMORE,
Attorney General.

EDWARD W. MILLER, Esq.
High Sheriff of York.